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MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
Richard H. BOIVIE. :
Application No. 09/696,566 : **DECISION ON PETITION**
Filed: October 25, 2010 :
Attorney Docket No. YOR920000591US1 :

This is a decision on the petition, filed August 25, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application. Alternatively, petitioner requests revival under the under the provisions of 37 CFR 1.137(b).

The petition under 37 CFR 1.8(b) is **DISMISSED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed March 10, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 11, 2010.

Petitioner request that the abandonment be withdrawn and assert that the reply was timely filed because it was filed prior to the June 10, 2010.

The Office acknowledges receipt of the issue fee on June 09, 2010 however the replacement drawing were required along with the payment of the issue fee on or before June 10, 2010.

The petition fails to satisfy the requirements of 37 CFR 1.8(b).

A decision on the petition under 37 CFR 1.137(b) follows.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Data Management..

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions